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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,536	09/05/2003	Lori Greiner	47636.15.1	8775

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INTELLECTUAL PROPERTY GROUP
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MINNEAPOLIS, MN 55402

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,536

Applicant(s)

GREINER, LORI

Examiner

James O. Hansen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16, 20-60, 62-71, 73-76 and 80-126 is/are pending in the application.
- 4a) Of the above claim(s) 6, 13-16, 25, 27-60, 66, 73-76, 84-117, 119 and 121-123 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 62-65, 67-71, 80-83 and 120 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-11, 20-24 and 124-126 is/are rejected.
- 7) ☒ Claim(s) 8, 26 and 118 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 118 is objected to because of the following informality. The phrase "wherein the the interior side...", should be changed to --wherein the interior side....--.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 125 & 126 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 125, the phrase "and no other poles extend from the interior side of the first wall of the one of the pair of doors" is unclear and confusing as presently put forth since the intervening claims previously set forth a plurality of poles located on the interior side of the first wall. Consequently, claim 126 is rejected since it is dependent upon an indefinite claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-3, 5, 22, 24 & 124-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighty [U.S. Patent No. 1,133,866] in view of LeSage [U.S. Patent

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No. 4,324,446). As to claim 1, Leighty (figures 1-2) teaches of an organizer comprising: a framework (fig. 1) having a base (5) and a back wall (7) extending perpendicularly from the base; a pair of symmetrically arranged doors (each door defined as 15, 16) pivotally coupled to the back wall, wherein each door has a first wall (16) and a second wall (15) perpendicular to the first wall, wherein the doors can be pivoted from a first closed position (fig. 1) to a second open position (fig. 2), wherein in the closed position, the first walls are substantially parallel with the back wall (shown) and each second wall extends between the back wall and a respective first wall so that the organizer has a box shape (shown) and wherein in the second open position, the second walls are substantially parallel with the back wall (shown); and at least one support structure (element 20) extending from one of the walls on one of the doors; but Leighty does not show a pole having a first end affixed to an interior of the first wall on the door with the pole having a second free end extending from the first wall. LeSage (figures 1-7) is cited as an evidence reference to show that it was known to utilize poles (86) in place of hooks (66) to support articles of jewelry within a storage structure. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of Leighty by substituting a pole for a hook as taught by LeSage because this arrangement would enhance the versatility of Leighty's support means by allowing a more diverse selection of articles to be suspended from the pole. As to the pole being positioned on the first wall, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to position support structures on either the first or second walls, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*,

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86 USPQ 70. As to claims 2 & 3, the prior art teaches the use of a plurality of support structures capable of extending from an interior side of the first wall of at least one of the doors, wherein each of the plurality of poles may be located at a select height (see fig. 2) along an interior side of the wall. As to claim 5, the organizer includes a storage compartment (viewed as the compartment defined between the base and the floor surface) located underneath the pair of doors. As to claims 22, the organizer includes a pivoting lid (17) located above the pair of doors. As to claim 24, the pole would extend substantially perpendicular to the first wall when mounted. As to claims 124-126, the poles could extend over a length of a depth of the second wall depending upon the needs/preferences of the user [select poles of varying lengths for instance], while the placement of the poles, i.e., vertically and horizontally positioned relative to the wall, may vary depending upon the preferences of the user and as such does not constitute any new or unobvious functional relationship to the wall upon which it is located and therefore does not represent a difference or distinction over the prior art.

6. Claims 1-3, 5 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over British publication 2,345,630 [known hereafter as GB'630] in view of LeSage [U.S. Patent No. 4,324,446]. As to claim 1, GB'630 (figures 1-3) teaches of an organizer comprising: a framework (fig. 1) having a base (14) and a back wall (shown in figs. 2-3 for example) extending perpendicularly from the base; a pair of symmetrically arranged doors (20) pivotally coupled to the back wall, wherein each door has a first wall (shown in fig. 1) and a second wall (best shown in fig. 3) perpendicular to the first wall, wherein the doors can be pivoted from a first closed position (fig. 1) to a second open position (fig. 3), wherein in the closed position, the first walls are substantially parallel with the back wall (shown) and each second wall

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extends between the back wall and a respective first wall so that the organizer has a box shape (shown) and wherein in the second open position, the second walls are substantially parallel with the back wall (shown); and at least one support structure (rod elements) extending from one of the walls on one of the doors; but GB'630 does not show a pole having a first end affixed to an interior of the first wall on the door with the pole having a second free end extending from the first wall. LeSage (figures 1-7) is cited as an evidence reference to show that it was known to utilize poles with free ends (86) to support articles within a storage structure. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of GB'630 by substituting a pole having a free end for a rod connected on both ends as taught by LeSage because this arrangement would enhance the versatility of GB'630's support means by allowing a more diverse selection of articles to be contained on the door. It is noted that GB'630 rods are positioned on the first wall. As to claims 2 & 3, the prior art teaches the use of a plurality of rods/poles extending from an interior side of the first wall of at least one of the doors, wherein each of the plurality of rods/poles is located at a select height (see fig. 3) along an interior side of the wall. As to claim 5, the organizer includes a storage compartment (18) located underneath the pair of doors. As to claims 22, the organizer includes a pivoting lid (17) located above the pair of doors. As to claim 24, the rod/pole extends substantially perpendicular to the first wall.

7. Claims 1-3, 5, 22-24 & 124-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daetweiler et al., [U.S. Patent No. 6,857,519] in view of LeSage [U.S. Patent No. 4,324,446]. As to claim 1, Daetweiler (figures 1-3) teaches of an organizer comprising: a framework (fig. 2) having a base (shown as the bottom wall in fig. 2 for

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example) and a back wall (shown in fig. 1) extending perpendicularly from the base; a pair of symmetrically arranged doors (140) pivotally coupled to the base via the back wall as best understood by the examiner and in as much as application shows the claimed limitation, wherein each door has a first wall (150) and a second wall (152) perpendicular to the first wall, wherein the doors can be pivoted from a first closed position (fig. 2) to a second open position (fig. 1), wherein in the closed position, the first walls are substantially parallel with the back wall (shown) and each second wall extends between the back wall and a respective first wall so that the organizer has a box shape (shown) and wherein in the second open position, the second walls are substantially parallel with the back wall (shown); and at least one support structure (element 164) extending from one of the walls on one of the doors; but Daetweiler does not show a pole having a first end affixed to an interior of the first wall on the door with the pole having a second free end extending from the first wall. LeSage (figures 1-7) is cited as an evidence reference to show that it was known to utilize poles (86) in place of hooks (66) to support articles of jewelry within a storage structure.

Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of Daetweiler by substituting a pole for a hook as taught by LeSage because this arrangement would enhance the versatility of Daetweiler's support means by allowing a more diverse selection of articles to be suspended from the pole. As to the pole being positioned on the first wall, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to position support structures on either the first or second walls, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*,

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86 USPQ 70. As to claims 2 & 3, the prior art teaches the use of a plurality of support structures capable of extending from an interior side of the first wall of at least one of the doors, wherein each of the plurality of poles may be located at a select height along an interior side of the wall depending upon the needs or preferences of the user. As to claim 5, the organizer includes a storage compartment (110) located underneath the pair of doors. As to claims 22 & 23, the organizer includes a pivoting lid (132) above the doors with a mirror (136) disposed on an inner surface of the lid. As to claim 24, the pole would extend substantially perpendicular to the first wall when mounted. As to claims 124-126, the poles could extend over a length of a depth of the second wall depending upon the needs/preferences of the user [select poles of varying lengths for instance], while the placement of the poles, i.e., vertically and horizontally positioned relative to the wall, may vary depending upon the preferences of the user and as such does not constitute any new or unobvious functional relationship to the wall upon which it is located and therefore does not represent a difference or distinction over the prior art.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leighty and LeSage in view of Wise [U.S. Patent No. 2,582,812]. The prior art teaches applicant's inventive claimed structure as disclosed above, including a necklace bar (12) affixed to the back wall; but does not show a plurality of hooks on the bar. Wise (figures 1-10) is cited as an evidence reference to show that it was known in the organizer art to incorporate hooks (75) on a necklace bar (73). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by incorporating hooks onto the bar as taught by Wise because this arrangement would enhance the

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versatility of the bar by allowing a more diverse selection of articles to be suspended from the bar.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB'630 and LeSage in view of Wise [U.S. Patent No. 2,582,812]. The prior art teaches applicant's inventive claimed structure as disclosed above, including shelves (26) and posts or bars (fig. 3) affixed to the back wall; but does not show a plurality of hooks on the post/bar. Wise (figures 1-10) is cited as an evidence reference to show that it was known in the organizer art to incorporate hooks (75) on a necklace bar (73). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by incorporating hooks onto the post/bar as taught by Wise because this arrangement would enhance the versatility of the post/bar by allowing a more diverse selection of articles to be suspended from the bar.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daetweiler and LeSage in view of Wise [U.S. Patent No. 2,582,812]. The prior art teaches applicant's inventive claimed structure as disclosed above, including hooks (124) affixed to the back wall; but does not show a plurality of hooks on a bar. Wise (figures 1-10) is cited as an evidence reference to show that it was known in the organizer art to incorporate hooks (75) on a necklace bar (73). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by incorporating hooks onto a bar as taught by Wise because this arrangement would enhance the versatility of the organizer since the bar with hooks would allow a more diverse selection of articles to be suspended from the rear wall as opposed to just hooks alone.

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11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB`630 and LeSage in view of Lewis [U.S. Patent No. 1,600,830]. The prior art teaches applicant's inventive claimed structure as disclosed above, including a plurality of drawers/trays (22) in the storage compartment; but does not show the drawers/trays as being pivotally arranged. Lewis (figures 1-3) is cited as an evidence reference to show that it was known in the organizer art to employ pivoting drawers/trays (28, 29 for example). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by allowing the drawers/trays to pivot [as opposed to a linear motion] as taught by Lewis because this arrangement would enhance the viewing capacity of the storage compartment by permitting articles housed immediately below the first tier of drawers/trays to be simultaneously viewed along with the articles housed in the first tier when the first tier is pivoted out of the organizer.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daetweiler and LeSage in view of Lewis [U.S. Patent No. 1,600,830]. The prior art teaches applicant's inventive claimed structure as disclosed above, including a plurality of drawers/trays (114, 112) in the storage compartment; but does not show the drawers/trays as being pivotally arranged. Lewis (figures 1-3) is cited as an evidence reference to show that it was known in the organizer art to employ pivoting drawers/trays (28, 29 for example). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by allowing the drawers/trays to pivot [as opposed to a linear motion] as taught by Lewis because this arrangement would enhance the viewing capacity of the storage compartment by permitting articles

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housed immediately below the first tier of drawers/trays to be simultaneously viewed along with the articles housed in the first tier when the first tier is pivoted out of the organizer.

13. Claims 9-11, 20 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB'630 and LeSage in view of Kuddes [U.S. Patent No. 2,739,697]. The prior art teaches applicant's inventive claimed structure as disclosed above; but does not show removable dividers within the storage compartment or show internal surfaces lined with an anti-tarnish cloth. However, Kuddes (figures 1-7) is cited as an evidence reference to show that it was known in the organizer art to removable divider/partitions (17, 18, 25 for example) within a storage compartment (fig. 1) and to line the inside of the organizer with anti-tarnish cloth (col. 2). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by lining internal surfaces with an anti-tarnish cloth and to incorporate removable dividers as taught by Kuddes because this arrangement would provide the prior art with a means to prevent tarnish from accumulating on items stored within the storage compartment {drawers}, while the dividers would enhance the versatility of the storage compartment {drawers} by providing a means to allow for the subdivision of the compartments volume, wherein smaller spaces could be created to house small articles or spaces could be created to separate articles according to size, type etc. As to claim 20, Kuddes further teaches of a ring holder (see fig. 1) that is located in a tray. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by utilizing a ring holder within the tray {drawers} as taught by Kuddes because this arrangement would provide an additional

support structure that can accommodate specific types of articles depending upon the desired preferences of the user.

14. Claims 9-11, 20 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daetweiler et al., and LeSage in view of Kuddes [U.S. Patent No. 2,739,697]. The prior art teaches applicant's inventive claimed structure as disclosed above; but does not show removable dividers within the storage compartment or show internal surfaces lined with an anti-tarnish cloth. However, Kuddes (figures 1-7) is cited as an evidence reference to show that it was known in the organizer art to removable divider/partitions (17, 18, 25 for example) within a storage compartment (fig. 1) and to line the inside of the organizer with anti-tarnish cloth (col. 2). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by lining internal surfaces with an anti-tarnish cloth and to incorporate removable dividers as taught by Kuddes because this arrangement would provide the prior art with a means to prevent tarnish from accumulating on items stored within the storage compartment {drawers}, while the dividers would enhance the versatility of the storage compartment {drawers} by providing a means to allow for the subdivision of the compartments volume, wherein smaller spaces could be created to house small articles or spaces could be created to separate articles according to size, type etc. As to claim 20, Kuddes further teaches of a ring holder (see fig. 1) that is located in a tray. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of the prior art by utilizing a ring holder within the tray {drawers} as taught by Kuddes because this arrangement

would provide an additional support structure that can accommodate specific types of articles depending upon the desired preferences of the user.

Allowable Subject Matter

15. Pending further review and consideration, Claims 62-65, 67-71, 80-83 & 120 are tentatively allowed.

16. Claims 8, 26 and 118 are objected to as being dependent upon a rejected base claim, but would be allowable {pending further review and consideration} if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

17. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parent describes an organizer with pivoting doors having supporting means on each door.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

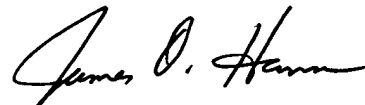
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
September 5, 2006